

BENEFITS OF THE STATE'S NEW COLLECTIVE BARGAINING AGREEMENTS

THE PERSONNEL SYSTEM REFORM ACT passed by the Legislature in 2002 enables union-represented state employees to negotiate Master Collective Bargaining Agreements (CBAs) with the Governor's Office. Historically state employees bargained with state agencies in more than 100 bargaining units across state government. Full scope bargaining of master agreements, rather than individual agency agreements, streamlines the process and result in more consistent management practices across state government.

Negotiations now focus on the issues that matter to managers and employees—negotiating pay and health benefit costs, focusing on employee relations issues and creating a better environment in which to manage the state's human resources. The specific improvements available in the newly bargained contracts include:

HIRING AND APPOINTMENTS

CURRENT (UNTIL JULY 1, 2005)

Merit System Rules require managers to consider state promotional candidates before considering any outside candidate. Rules limit total candidate pool to seven candidates, with preference given to state promotional candidates and limited opportunity given to candidates from outside the state system. Laid off employees are returned to work based on seniority, with no competition and no review period. Non-permanent hires are limited to approximately 9 months of employment.

IMPROVEMENTS AVAILABLE IN THE NEW MASTER AGREEMENTS

Increased competition for jobs. Managers will have more flexibility in recruitment and hiring, and will have more candidates from which to choose. Every hiring will have the opportunity for 20 candidates made up of a mix of the best-qualified candidates, including people outside the state system. Managers will also be able to recruit and hire based on specific skills and abilities needed for the job. Rule of 1 requires appointment of agency RIF candidate by seniority plus skills and abilities. Hires from agency RIF list will serve review period.

MANAGEMENT RIGHTS

CURRENT (UNTIL JULY 1, 2005)

Many of the current collective bargaining agreements limit the rights of managers to conduct daily business. Agency heads are required to negotiate with unions as a result of the law and restrictions in rule. The Merit System Rules govern most personnel policies and procedures.

IMPROVEMENTS AVAILABLE IN THE NEW MASTER AGREEMENTS

Management rights are clearly spelled out in each of the master agreements. Agency heads are no longer required to negotiate directly with the unions. The master agreements will replace Merit System Rules in many areas and allow managers to make decisions and manage without being bound by the requirement to negotiate with unions. Past practices that limited the ability of managers to manage are eliminated, allowing managers a fresh start on 7/1/05.

UNION-MANAGEMENT COMMITTEES

CURRENT (UNTIL JULY 1, 2005)

Serve as the forum for negotiation with unions. Civil Service Law authorized agency heads to negotiate all personnel matters over which they could exercise discretion. Merit System Rules covered most employment situations. The Personnel Resources Board arbitrates disagreements between management and the union.

IMPROVEMENTS AVAILABLE IN THE NEW MASTER AGREEMENTS

Negotiations only occur with the Governor's Office through the Labor Relations Office in the Office of Financial Management. Agencies will continue communicating with unions locally but cannot engage in bargaining.

DISCIPLINE

CURRENT (UNTIL JULY 1, 2005)

Merit System Rules guide discipline. Complex investigative policies have created cumbersome processes that prevent managers from taking swift action. The rules require lengthy documentation and explanation to tie actions to the appropriate rule. This causes frustration and keeps some managers from even starting the process. Procedural requirements make it difficult to discipline employees and result in workplace morale issues. The employee has the ability to file his or her own appeal at no cost to the employee.

IMPROVEMENTS AVAILABLE IN THE NEW MASTER AGREEMENTS

State comes in line with public and private employers in using the "just cause standard." Managers will be held to the same standard as other public and private employers to correct performance and take action on those who fail to perform. Disciplinary challenges are handled through the grievance process. Only the union can file grievances, and the union must share in the expense of arbitration. Complex investigation policies and processes are eliminated, which should prevent appropriate discipline from being overturned for procedural reasons.

GRIEVANCE PROCEDURE

CURRENT (UNTIL JULY 1, 2005)

Grievances are defined broadly allowing nearly anything to be grieved. A grievance can be filed by the employee and/or the union. Grievance arbitration is provided at no cost through the Personnel Resources Board and discipline appeals are provided at cost through the Personnel Appeals Board.

IMPROVEMENTS AVAILABLE IN THE NEW MASTER AGREEMENTS

Grievances are defined as violations of the Master Agreement. Discipline is handled through the grievance process. Only the union can file grievances on behalf of employees. The narrow definition and union-filing requirement should reduce the number of frivolous grievances filed. Costs for arbitration are shared by unions and management.

HOURS OF WORK AND OVERTIME

CURRENT (UNTIL JULY 1, 2005)

Prescriptive rules for work schedules and for schedule changes prevent managers from making even minor adjustments to meet business needs without incurring expensive penalty, overtime and callback payments, etc.

IMPROVEMENTS AVAILABLE IN THE NEW MASTER AGREEMENTS

Bringing overtime and work hour rules closer to federal and state law creates more flexibility for managers. These changes should reduce penalties and allow managers to adjust schedules and be more responsive to changing demands. Overtime payments are closer to other private and public employers.

LAYOFF PROCEDURE

CURRENT (UNTIL JULY 1, 2005)

Used seniority exclusively to determine who gets laid off. Laid off employees are eligible to return, without competition, to any state position in their classification. This causes many employees to be placed in jobs that require a different set of skills than the employee possesses. Employees have no review period upon recall.

IMPROVEMENTS AVAILABLE IN THE NEW MASTER AGREEMENTS

Employer may use seniority plus skills and abilities in determining which positions to lay off. Laid off employees will be recalled only within the agency that lays them off and on the basis of seniority plus skills and abilities. All recalled employees will serve a review period.

CONTRACTING FOR SERVICES

CURRENT (UNTIL JULY 1, 2005)

Current law prohibits agency management from contracting for services historically performed by state employees. Many current labor agreements contain language citing the law and requiring negotiations when contracting for other services as well.

IMPROVEMENTS AVAILABLE IN THE NEW MASTER AGREEMENTS

New law (RCW 41.06.140) allows contracting for services through a competitive process. The master agreements do not contain language narrowing the law. Agencies may use the law and procedures established by the Department of General Administration and the Department of Personnel to contract for services.